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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,501	06/14/2001	David M. Alpern	oracle01.013	7766

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EXAMINER
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LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/881,501

Applicant(s)

ALPERN ET AL.

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-24 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No.

6,009,271 issued to Whatley (hereafter Whatley).

#### **Claim 5:**

Whatley discloses a method employed in a distributed database system that includes a plurality of database systems for responding to a request received in a database system of the

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plurality, the method comprising the steps performed during execution of the request in the database system of:

- determining that the request is preferably executed at least in part in another database system of the plurality [Fig 1, 32]
- redirecting the execution of at least the part of the request to the other database system [Fig 2, step 124]

Claims 6 and 19:

Whatley discloses wherein the request includes one or more specifiers referring to objects belonging to a plurality thereof in the distributed database system ; and the step of determining whether the request is preferably executed in the other database system determines that an object required for execution of the request is lacking in the database system [col 2, lines 45-63]

Claims 7 and 16::

Whatley discloses the steps of placing the request in a form required for execution in the database system; modifying the form when it has been determined that the request is preferably executed at least in part in another database system; and in the step of redirecting, the modified form is redirected [Fig 2, step 124]

Claims 8 and 17:

Whatley discloses a SQL request statement the form required for execution is a cursor [col 3, line 8] and in the step of modifying the form, the cursor is marked for redirection [col 3, lines 3-15]

Claims 9 and 18:

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Whatley discloses wherein the request includes a call to a procedure object, and in the step of modifying the form, the call is rewritten in the form required for execution as a remote procedure call directed to the other database system [Fig 2, step 114]

Claims 10 and 20:

Whatley discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 5/15 [inherently disclosed by Whatley in Figs 1 and 2]

Claims 11 and 21:

Whatley discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 6/16 [inherently disclosed by Whatley in Figs 1 and 2].

Claims 12 and 22:

Whatley discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 7/17 [inherently disclosed by Whatley in Figs 1 and 2]

Claims 13 and 23:

Whatley discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 8/18 [inherently disclosed by Whatley in Figs 1 and 2]

Claims 14 and 24:

Whatley discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 9/19 [inherently disclosed by Whatley in Figs 1 and 2]

Claim 15:

Whatley discloses a request analyzer in the database system that determines that the request is preferably executed at least in part in the other database system [Fig 1, 32] and a redirector in the database system that redirects execution of at least the part of the request to the other database system [Fig 2, step 124]

Claims 5-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No. 6,285,997 issued to Carey et al (hereafter Carey).

Claim 5:

Carey discloses a method employed in a distributed database system that includes a plurality of database systems for responding to a request received in a database system of the plurality, the method comprising the steps performed during execution of the request in the database system of:

- determining that the request is preferably executed at least in part in another database system of the plurality [Fig 3, step 300]
- redirecting the execution of at least the part of the request to the other database system [Fig 2, step 124]

Claims 6 and 19:

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Carey discloses wherein the request includes one or more specifiers referring to objects belonging to a plurality thereof in the distributed database system [col 6, lines 47-59]; and the step of determining whether the request is preferably executed in the other database system determines that an object required for execution of the request is lacking in the database system [Fig 3, step 302]

Claims 7 and 16:

Carey discloses the steps of placing the request in a form required for execution in the database system; modifying the form when it has been determined that the request is preferably executed at least in part in another database system; and in the step of redirecting, the modified form is redirected [Fig 3, step 302]

Claims 8 and 17:

Carey discloses a SQL request statement the form required for execution is a cursor [col 10, lines 30-40] and in the step of modifying the form, the cursor is marked for redirection [col 10, line 55 through col 11, line 13]

Claims 9 and 18:

Carey discloses wherein the request includes a call to a procedure object [col 9, lines 40-50], and in the step of modifying the form, the call is rewritten in the form required for execution as a remote procedure call directed to the other database system [Fig 3]

Claims 10 and 20:

Carey discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 5/15 [inherently disclosed by Carey in Fig 3]

Claims 11 and 21:

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Carey discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 6/16 [inherently disclosed by Carey in Fig 3].

Claims 12 and 22:

Carey discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 7/17 [inherently disclosed by Carey in Fig 3]

Claims 13 and 23:

Carey discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 8/18 [inherently disclosed by Carey in Fig 3]

Claims 14 and 24:

Carey discloses the data storage device contains code which when executed by a processor performs the method set forth in claim 9/19 [inherently disclosed by Carey in Fig 3]

Claim 15:

Carey discloses a request analyzer in the database system that determines that the request is preferably executed at least in part in the other database system [Fig 3, step 300] and a redirector in the database system that redirects execution of at least the part of the request to the other database system [Fig 3, step 302]

***Response to Arguments***

Applicant's arguments filed 5/3/2004 have been considered and are partially persuasive but are now moot based on supra new grounds of rejection.



*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

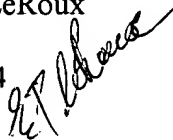
The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

6/10/2004

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', is written over the printed name and date.